

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

**KERRY YOUNG, on behalf of himself)
and all similarly situated persons,)
Plaintiffs,)
v.) **No. 1:17-cv-02829-STA-egb**
WH ADMINISTRATORS, INC.,)
Defendant.)**

ORDER AWARDING COSTS AS SANCTIONS

Before the Court is Plaintiff's list of costs incurred in pursuing the enforcement of this Court's prior Order (ECF No. 82). (ECF No. 97-1.) Plaintiff filed a Motion for Civil Contempt of Court Order and Sanctions on August 31, 2018. (ECF No. 85.) This Court held a hearing on the Motion on October 22, 2018. This Court found Defendant to be in contempt because it failed to comply with this Court's Order (ECF No. 82) instructing Defendant to provide Plaintiff or its legal counsel with all information and documentation in Defendant's control relating to the health and welfare benefit plan. (ECF No. 96.) Defendant also failed to produce a corporate representative, as ordered, at the Motion hearing: further grounds for a finding of contempt. (*Id.*) This Court ordered Defendant—again—to comply with the Order and ordered Plaintiff's counsel to submit a list of costs incurred in pursuing the enforcement of the Order. (*Id.*)

Pursuant to Rules 37(b)(2)(A) and (C) of the Federal Rules of Civil Procedure and in accordance with *Goodyear Tire & Rubber Company v. Haeger*, 137 U.S. 1178 (2017), this Court

has discretion to calculate and award reasonable attorneys' fees and costs associated with the enforcement of its orders.

Plaintiff submitted attorneys' fees totaling \$22,107.25 and costs totaling \$136.89. The Court finds these amounts to be reasonable to redress the losses sustained by Plaintiff, and imposes these sanctions upon Defendant. Defendant shall remit the total amount of \$22,244.14 to Plaintiff's counsel within fifteen (15) days of the entry of this Order. This Court reserves the issue of additional costs.

IT IS SO ORDERED.

s/ S. Thomas Anderson
S. THOMAS ANDERSON
CHIEF UNITED STATES DISTRICT JUDGE

Date: November 27, 2018.